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IFW

IN THE USPTO

EXAMINER - Nguyen

GROUP - 2161

NOTICE OF APPEAL

SN - 09/900569

FILED - 7/5/01

BY - Ogino

Sirs:

Applicant herein hereby APPEALS from the Examiner's Final rejection of 9/13/05 of Claims 77-87 and 89-94, being all of the claims in the application.

The Appeal Fee of \$500.00 is authorized to be charged to DA 11-1500, a duplicate hereby being attached.

No Extension Request is necessary in view of the Examiner's error in checking off 2 months, when in fact the form itself states "Examiner note.. Only check Box (b) when the first reply was filed within 2 months of the final rejection." Our response was filed 10/11/05 which is within that 2 months period, so that box (b) which sets the date as the original 3 months is applicable. It appears the Examiner has again made a FACTUAL ERROR.

An Oral Hearing will be requested in due course.

Respectfully

M. KOJIMA

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I hereby certify that the correspondence upon which this notice is placed is being deposited with the US Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, Box 1450 Alexandria, VA 22313, or to US Trademark Office, 2900 Crystal Drive, Arlington, VA 22202, on the date set forth below. MOONRAY KOJIMA, ATTORNEY

Date 11/23/05 (signed)